Filing Date: January 5, 2000

Title: IMPLANTABLE DEVICE AND METHOD FOR ADJUSTABLY RESTRICTING A BODY LUMEN

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REMARKS

This responds to the Decision on Appeal dated March 3, 2005. Appellant acknowledges that the rejection of claims 1-12 is reversed. Claims 13 and 28 are hereby amended. Claims 1-40 are now pending in this application.

Appellant notes the discussion set forth in the Decision dated March 3, 2005 concerning claims 13 and 28. Appellant believes that the present claim language is sufficient to distinguish the present subject matter, however, Appellant hereby submits language which is believed to clarify the recited subject matter. Appellant respectfully requests consideration of the proposed amendments and a notice of allowability.

Allowance of the remaining dependent claims is respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6912 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,
JOHN H. BURTON ET AL.
By their Representatives,
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
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(612) 373-6912

Date May 3, 2005

Thmothy E. Bianchi Reg. No. 39,610

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 3rd day of May, 2005.

PATRICIA A. HULTMAN

Signature

Name